

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Syah L. Redbird,

Plaintiff

v.

Brian Williams, et. al.,

Defendants

Case No. 2:20-cv-00435-JAD-EJY

**Order Dismissing
and Closing Case**

Plaintiff Syah L. Redbird brings this civil-rights action under 42 U.S.C. § 1983, claiming that her First and Eighth Amendment rights, as well as various state-law rights, were violated during her incarceration at the High Desert State Prison (“HDSP”). On September 30, 2021, the magistrate judge denied Redbird’s application to proceed *in forma pauperis* for a prisoner as moot after her release from prison and ordered her to either pay the \$400 filing fee or file a complete *in forma pauperis* application by a non-prisoner by October 22, 2021.¹ That deadline expired without a new application or payment of the filing fee.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.² A court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.³ In determining whether to dismiss an action

¹ ECF No. 15.

² *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

³ *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint; *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order).

1 on one of these grounds, the court must consider: (1) the public’s interest in expeditious
2 resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the
3 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
4 availability of less drastic alternatives.⁴

5 The first two factors, the public’s interest in expeditiously resolving this litigation and the
6 court’s interest in managing its docket, weigh in favor of dismissal of the plaintiff’s claims. The
7 third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a
8 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading
9 ordered by the court or prosecuting an action.⁵ A court’s warning to a party that its failure to
10 obey the court’s order will result in dismissal satisfies the fifth factor’s “consideration of
11 alternatives” requirement,⁶ and that warning was given here.⁷ The fourth factor—the public
12 policy favoring disposition of cases on their merits—is greatly outweighed by the factors
13 favoring dismissal.

14 IT IS THEREFORE ORDERED that **THIS ACTION IS DISMISSED** without prejudice
15 based on the Redbird’s failure to file a complete application to proceed *in forma pauperis* for
16 non-prisoners or pay the filing fee as ordered. The Clerk of Court is directed to **ENTER**
17 **JUDGMENT** accordingly and **CLOSE THIS CASE**. **No other documents may be filed in**
18 **this now-closed case**. If Redbird wishes to pursue her claims, she must file a complaint in a new

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22 ⁴ *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260–61.

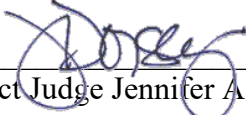
23 ⁵ *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

⁶ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33.

⁷ ECF No. 15.

1 case, and she must either pay the \$402 filing fee⁸ or file a complete *in forma pauperis*
2 application in that new case.

3 Dated: October 25, 2021

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5 U.S. District Judge Jennifer A. Dorsey

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⁸ The filing fee for a civil action increased to \$402, which includes the \$350 filing fee and \$52 administrative fee, after December 1, 2020.